

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**PASCUAL LUNA,**

**Plaintiff,**

**V.**

**MATTHEW CAMPBELL, ET AL.,**

**Defendants.**

**Civil Action No.  
15-11477-IT**

**PROCEDURAL ORDER**

TALWANI, D.J.

Plaintiff Pascual Luna (“Luna”), while in custody at USP McCreary in Kentucky, filed this pro se action alleging violation of 42 U.S.C. § 1983 and the Massachusetts Civil Rights Act, M.G. L. c. 12, § 11, stemming from Luna’s 2006 arrest on drug-related charges. See Docket No. 1. By Memorandum and Order dated June 15, 2015, the Court noted that Luna’s Application to Proceed in District Court Without Prepayment of Fees (“Application”) was unsigned and that the prison account statement failed to include financial information concerning the 3-month period immediately preceding the filing of this action. See Docket No. 6. The Order provided Luna with an opportunity to correct these deficiencies and directed the clerk to issue summons for service of the complaint. Id.

On September 16, 2015, Luna filed a notice of change of address advising that he is now in custody at FCI Berlin in New Hampshire. See Docket No. 9. On October 13, 2015, Luna filed a motion explaining that he was transferred from USP McCreary on June 3, 2015, and did

not receive the Court's June 15, 2015 Memorandum and Order until sometime in September 2015 when he received his property from USP McCreary. Id. Because of this, Luna now asks this Court to send him a new Application to Proceed Without Prepayment of Fees. Id. With his motion, he attached a copy of his prison account statement. Id. Luna's motion does not state whether he received the summons for service of the defendants.

In light of the foregoing, it is hereby ORDERED that

- (1) Plaintiff's Motion (Docket No. 11) Seeking Original Application is granted. Plaintiff shall have 21 days from the date of this Order to file a new Application to Proceed in District Court Without Prepayment of Fees. The Clerk shall mail to Plaintiff a blank Application form with a copy of this Procedural and Order.

**So ordered.**

/s/ Indira Talwani  
Indira Talwani  
United States District Judge

Dated: November 17, 2015